



APPLICATION FOR VARIANCE BY THE ST. LEO TOWN COMMISSION

NOTE: All applications are to be filled out completely and correctly, and submitted to the Town Clerk by the scheduled deadline date. It is incumbent upon the applicant to submit correct information. Any misleading, deceptive, incomplete or incorrect information may invalidate your approval. Applicant, or applicant's representative, must be present at the public hearing. The Public Hearing will be conducted pursuant to Quasi-Judicial Proceedings.

Fee for each related Variance: \$ 25.00 (See Note A below)

Staff Use Only

APPLICATION NO. _____ Date Rec'd _____ Date Sufficiency Determined _____
Public Hearing Date _____

APPLICANT (Title Holder(s)) _____
Address _____ Zip _____ Phone _____
Representative _____
Address _____ Zip _____ Phone _____
Architect/Engineer _____
Address _____ Zip _____ Phone _____
When Property Title Obtained _____
Legal Description _____
PIN Number(s) [County] _____
General Location (Address) _____

Applicant acknowledges that a Certificate of Occupancy (CO) will not be granted until all required inspections are completed and fees paid.

Signature _____ Date _____
Title Holder(s)/Owner(s)

List all requested Variances here:

- 1) _____
- 2) _____
- 3) _____

The applicant must also submit with the application, a Variance Justification Statement addressing the attached criteria. The applicant is required to submit a site plan and/or drawings or photographs to illustrate the requested variance.

NOTE A

In addition to the application fee, the applicant will be billed for the actual expenses related to the Town of St. Leo's Planning Consultant review of the application. This may include, but not be limited to, time spent reviewing the application for completeness, preparing a report to the Town Commission, telephone conversations and/or written correspondence to the applicant and attending any meetings with the applicant, including the public hearing meeting. The Town Commission may request an advanced partial payment based on an estimate of the Planning Consultant's fees and expenses.

VARIANCE JUSTIFICATION STATEMENT

- A. In making a decision on a variance request, the Town Commission shall consider the variance hardship criteria listed below.
- B. All variance applications shall include responses by the applicant to the following criteria:
 - 1. State the special conditions and/or circumstances applying to the building or other structure or land for which such variance is sought.
 - 2. Are the special conditions and/or circumstances peculiar to the property, structures, or buildings, and do not apply generally to neighboring lands, structures, or buildings in the same zoning district.
 - 3. Are the existing conditions and/or circumstances such that:
 - a) The strict application of the provisions of this Chapter would deprive the applicant of reasonable use of said land, building, or structure; and
 - b) The peculiar conditions and circumstances pertaining to the variance request are not the result of the actions by the applicant.
 - 4. The variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan.
 - 5. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.
 - 6. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter and the individual hardships that will be suffered by a failure of the Town Commission to grant a variance.

Page 3- Variance Application Form

Public Notification Requirements

- a. If the variance application submittal requirements have been met as determined by the Town Commission or its designee, then the Town Commission shall set a public hearing date within forty-five days from the date that it is determined that the application is sufficient for review.
- b. **The applicant** shall be responsible for notice of the public hearing to the surrounding owners of property (within the corporate limits of the Town of St. Leo) within 1,000 feet, excluding the distance over water bodies, of the perimeter of the subject property boundaries. At a minimum, at least the five closest abutting property owners shall be notified. Said notice shall be on a public hearing notice form that will be provided to the applicant by the Town of St. Leo. The Town Clerk will contact the applicant when the notice letter is ready. Information regarding the list of property owners within 1,000 feet can be obtained from the Pasco County Property Appraiser's office.
- c. **The applicant** shall mail the public hearing letter to the surrounding property owners as required in item (b.) above by U.S. Postal Service Certificate of Mailing fifteen (15) days prior to the public hearing date. A copy of the Certificate of Mailing must be provided to the Town Clerk at least five (5) calendar days prior to the public hearing date.
- d. The Town Commission shall be responsible for placement of the advertisement for the public hearing in the local newspaper at least seven (7) calendar days prior to the public hearing date.
- e. Failure to provide the public hearing notice may be cause for the Town Commission to defer action or deny the application without prejudice.

In accordance with Florida Statutes, Chapter 80-150, if a person decides to appeal any decision made by a governmental board, commission or agency, they will need a record of the proceedings. It is up to the potentially adversely affected citizen to ensure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is to be based. Any persons who may need such a record may arrange for a court reporter to attend the public hearing.

Page 4- Variance Application Form

Quasi-Judicial Proceedings: Overview

All variance proceedings of the Town Commission are Quasi-Judicial and require that certain specific procedures be followed by the staff, applicants, and the public. Under the Quasi-Judicial process the Commission acts in the role of a “judge” and therefore, is required to follow certain procedures and base their decision on factual evidence. In general, the Quasi-Judicial procedures involve the following steps:

- 1) The swearing in of witnesses will be done en-masses at the beginning of this meeting. Anyone who wishes to speak on any item must be sworn-in prior to testifying.
- 2) Staff, applicants, and appellant each will have a total of ten minutes to present their case.
- 3) At the conclusion of the presentations, the public hearing will begin and each member of the public will have three minutes to speak. If you wish to speak please fill out a card and submit this to the Clerk. When called on to speak please come to the podium and state your name and address. We ask that your remarks be brief and not repetitious of prior testimony and provide factual information. Once the Commission Chair closes the public hearing no one from the public may speak.
- 4) If anyone wishes to utilize the time provided for cross examine and rebuttal as an Opponent, said individual shall notify the Commission Chair prior to the conclusion of the Public Hearing. Persons opposed to the application may select one person to represent them during this phase of the process and shall declare their intent prior to the close of the public hearing. If more than one person wishes to be the Opponent representative then the Commission will choose a single representative to participate in the cross examination/rebuttal process.
- 5) The Cross-examination and Rebuttal phased allows each participant (staff, applicant, and appellant) five minutes each to ask questions of each other. All questions shall be directed to the Chair, who will direct the question to the appropriate person.

The Commission Chair will then close the proceedings, and the Commission will go into Executive Session and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.